

Remarks

Applicants wish to thank the Examiner for finding pending claims 6-9 allowable if rewritten or amended to overcome the 35 U.S.C. §112, second paragraph rejections. Applicants have amended the claims to more clearly define the present invention. No new matter has been introduced.

In view of the foregoing amendments and the following remarks, reconsideration of the present patent application is respectfully requested.

Rejection under 35 U.S.C. §112

Claims 6-9 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for particularly failing to point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner alleges the following reasons.

1. The claims recite “a compound... and all pharmaceutically-acceptable and – cleavable esters thereof and acid addition salts thereof”. The Examiner alleges that this is confusing because it is not clear if a compound or the salt, etc. is claimed or a mixture of the compound and the salt is claimed. As suggested by the Examiner, Applicants have replaced the term “and” (both occurrences) with “or”.
2. Claim 6, last line, the term “sales” appears. Applicants have deleted this term and added the phrase “in free or pharmaceutically acceptable salt form” in the first line of claim 6.
3. Recitation of the term “cleavable esters” in the instant claims is deemed as indefinite for the reasons alleged by the Examiner. Applicants have deleted the term from the claims.
4. In claim 7, in the definition of R_{13} , there is a term “ $CH_2NR_{15}R_{16}$ ” however, there is no definition provided for variables R_{15} and R_{16} . Applicants have amended claim 7 to include definitions for variables R_{15} and R_{16} . Support can be found on page 13, last paragraph and page 14 of the specification as originally filed.
5. In claim 7, in the definition of R_{13} , the term “ $CH_2CH_2NR_{15}R_{16}$ ” is not understood. Applicants have amended the term to “ $CH_2CHR_{15}R_{16}$ ”.
6. In claim 7, a definition has been provided for R_{11} and R_{12} , however, these variables do not appear in the claim. Applicants have deleted variables R_{11} and R_{12} from claim 7.
7. Regarding claim 7, the phrase “heteroatom (e.g. O, S, or N)” renders the claim indefinite. Applicants have amended the phrase to “heteroatom selected from the group consisting of O, S, and N”.

8. In claim 7, in the definition of Y', the term “-CH₉CH₃-“ is not understood. Applicants have amended the term to “-CH(CH₃)-“.
9. Claim 8 does not end with a period. Applicants have amended claim 8 to include a period.
10. In claim 9, the recitation of “an agent of the Invention” is redundant. Applicants have amended the above phrase to “a compound” as suggested by the Examiner.
11. Claim 10 does not provide the structural formula V and the definitions of many variables. Applicants have amended claim 10 to include structural formula V and all necessary definitions for variables listed.

Based on the foregoing, Applicants respectfully request that the 35 U.S.C. §112, second paragraph rejection with respect to the claims be reconsidered and withdrawn.

In view of the remarks and the amendments, further and favorable consideration of the present application and the allowance of all pending claims are respectfully requested. The Examiner is also invited to contact the undersigned should the Examiner believe that such contact would expedite prosecution of the present application.

Respectfully submitted,

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